

**Notice of Allowability****Application No.**

10/518,227

**Examiner**

TRI V. NGUYEN

**Applicant(s)**

GARBAR ET AL.

**Art Unit**

1796

**-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address--**

All claims being allowable, PROSECUTION ON THE MERITS IS (OR REMAINS) CLOSED in this application. If not included herewith (or previously mailed), a Notice of Allowance (PTOL-85) or other appropriate communication will be mailed in due course. **THIS NOTICE OF ALLOWABILITY IS NOT A GRANT OF PATENT RIGHTS.** This application is subject to withdrawal from issue at the initiative of the Office or upon petition by the applicant. See 37 CFR 1.313 and MPEP 1308.

1. ☒ This communication is responsive to 11/24/08.
2. ☒ The allowed claim(s) is/are 35-40,42-51,54 and 55.
3. ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some\* c) ☐ None of the:
1. ☒ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
3. ☐ Copies of the certified copies of the priority documents have been received in this national stage application from the International Bureau (PCT Rule 17.2(a)).

\* Certified copies not received: \_\_\_\_\_.

Applicant has THREE MONTHS FROM THE "MAILING DATE" of this communication to file a reply complying with the requirements noted below. Failure to timely comply will result in ABANDONMENT of this application.

**THIS THREE-MONTH PERIOD IS NOT EXTENDABLE.**

4. ☐ A SUBSTITUTE OATH OR DECLARATION must be submitted. Note the attached EXAMINER'S AMENDMENT or NOTICE OF INFORMAL PATENT APPLICATION (PTO-152) which gives reason(s) why the oath or declaration is deficient.
5. ☐ CORRECTED DRAWINGS (as "replacement sheets") must be submitted.
- (a) ☐ including changes required by the Notice of Draftsperson's Patent Drawing Review (PTO-948) attached
- 1) ☐ hereto or 2) ☐ to Paper No./Mail Date \_\_\_\_\_.
- (b) ☐ including changes required by the attached Examiner's Amendment / Comment or in the Office action of Paper No./Mail Date \_\_\_\_\_.
- Identifying indicia such as the application number (see 37 CFR 1.84(c)) should be written on the drawings in the front (not the back) of each sheet. Replacement sheet(s) should be labeled as such in the header according to 37 CFR 1.121(d).
6. ☐ DEPOSIT OF and/or INFORMATION about the deposit of BIOLOGICAL MATERIAL must be submitted. Note the attached Examiner's comment regarding REQUIREMENT FOR THE DEPOSIT OF BIOLOGICAL MATERIAL.

**Attachment(s)**

1. ☒ Notice of References Cited (PTO-892)
2. ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3. ☐ Information Disclosure Statements (PTO/SB/08), Paper No./Mail Date \_\_\_\_\_
4. ☐ Examiner's Comment Regarding Requirement for Deposit of Biological Material
5. ☐ Notice of Informal Patent Application
6. ☒ Interview Summary (PTO-413), Paper No./Mail Date 01/21/09.
7. ☒ Examiner's Amendment/Comment
8. ☒ Examiner's Statement of Reasons for Allowance
9. ☐ Other \_\_\_\_\_.

/DOUGLAS MC GINTY/  
Primary Examiner, Art Unit 1796

### EXAMINER'S AMENDMENT

1. An examiner's amendment to the record appears below. Should the changes and/or additions be unacceptable to applicant, an amendment may be filed as provided by 37 CFR 1.312. To ensure consideration of such an amendment, it MUST be submitted no later than the payment of the issue fee.

Authorization for this examiner's amendment was given in a telephone interview with Dorothy Whelan on 01/21/2009.

2. The application has been amended as follows:

2.1 In claim 35, line 9, after "nano-powder" add

-- wherein the chemical reagent is selected from the group consisting of sorbitan esters, polyoxyethylene esters, alcohols, glycerin, polyglycols, organic acid, organic acid salts, organic acid esters, thiols, phosphines, low molecular weight polymers, and combinations thereof --.

2.2 in claim 51, line 14, after "nano-powder" add

-- wherein the chemical reagent is selected from the group consisting of sorbitan esters, polyoxyethylene esters, alcohols, glycerin, polyglycols, organic acid, organic acid salts, organic acid esters, thiols, phosphines, low molecular weight polymers, and combinations thereof --.

2.3 in claim 54, lines 6-8, replace

"(c) coating the metal nano-powder with 1-5 wt.%, based upon the weight of the metal, of a chemical reagent to form a coated metal nano-powder; and

(d) de-agglomerating the coated metal nano-powder"

with

-- (c) washing and filtering the metal nano-powder;  
(d) drying the washed and filtered metal nano-powder;  
(e) coating the dried metal nano-powder with 1-5 wt.%, based upon the weight of the metal nano-powder, of a chemical reagent to form a coated metal nano-powder,  
wherein the chemical reagent is selected from the group consisting of sorbitan esters, polyoxyethylene esters, alcohols, glycerin, polyglycols, organic acid, organic acid salts, organic acid esters, thiols, phosphines, low molecular weight polymers, and combinations thereof; and  
(f) de-agglomerating the coated metal nano-powder --.

2.4 In claim 55, line 2, after "metal" add -- nano-powder--.

2.5 In claim 55, line 3, after "metal" add -- nano-powder--.

2.6 claims 43 and 47 are rejoined.

2.7 Claims 41, 52 and 53 have been cancelled without prejudice to their continued prosecution in a continuation application.

#### **STATEMENT OF REASONS FOR ALLOWANCE**

3. The election of species of a jet mill or dispenser and homogenizer and basic or acidic leaching agent (office action dated 02/11/08) has been mooted by the amendment thus claims 43 and 47 are rejoined.
4. The following is an examiner's statement of reasons for allowance:

The most pertinent prior art known to the Examiner is listed on the attached forms PTO-892 and 1449. As shown by Khasin et al., Lin et al. and newly found art Carotenuto et al., the close prior arts of record, the process of making via a leaching agent and subsequently coating ultra fine metallic powders is well-known. However, none of the prior art of record including Khasin et al., Lin et al. and Carotenuto provides sufficient suggestion or motivation to arrive at a sequence of step of washing, filtering and drying the metallic nano powder followed by a step of coating with specific chemical compounds and finally a step of de-agglomeration of the coated nano-powder as required in the present claims. Accordingly, the claimed invention, as a whole, would not have been obvious to one of ordinary skill in the chemical metallurgy art. None of the prior art of record teaches, discloses or suggests a synthesis that includes a sequence of steps of coating the dried the nano-powder with a chemical compound followed by de-agglomeration in the manner as those recited the present claims.

Any comments considered necessary by applicant must be submitted no later than the payment of the issue fee and, to avoid processing delays, should preferably accompany the issue fee. Such submissions should be clearly labeled "Comments on Statement of Reasons for Allowance."

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Tri V. Nguyen whose telephone number is (571) 272-6965. The examiner can normally be reached on M-F 8:00 AM to 5:30 PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Vasu Jagannathan can be reached on (571) 272-1119. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications

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may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/T. V. N./

Examiner, Art Unit 1796

February 3, 2009

/DOUGLAS MC GINTY/

Primary Examiner, Art Unit 1796